

**UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**

**Current Case File
3:05-cv-00283-TMB**

Lewis king Deans

Vs.

**Anchorage School District/ Cindy Anderson-official capacity
Jerry Sjolander-official capacity**

**Dimond High School-Jim Aronow-Official Capacity Special Ed Chair
Civil Rights Complaint**

**Cheryl Guyette- Official Capacity Principal
42 U.S.C. 1983 Julie Neal -Assistant principal**

Non Prisoners 28 U. S. C 1343(8)(3)

**Debra Wilson -official Capacity
Krista Shank official capacity**

Sharon Shumacher-Official Capacity-Program Manager

**Art Arnold-Official Capacity State Special Ed.
Alaska Depart of Education and Early Development**

RECEIVED
MAY 19 2006
CLERK U.S. DISTRICT COURT
ANCHORAGE, ALASKA

I motion the court to take Judicial Notice

Status Report- Plaintiff would like his right to be heard in a Civil court of Law concerning his rights to his Individual Education Plan under IDEA. Individual with Disabilities Education Act. His right to equal access in something as vital as education has not only been held hostage by the Alaska Dept of Education in which this court has Jurisdiction.

Also by this Court itself , who by inaction now transfers the responsibility to the plaintiff, as if plaintiff did not file waivers with proof of evidence from the social security agency , verified motion of summary judgement including evidential exhibits from A through K to support Verified Motion of summary judgment and proof of entitlement of a Preliminary injunction based on 1415(e) and Supreme Court Decisions of administrative Procedures need not be exhausted when futility of due process exist or there is no implementation of IEP. So the status has really been in the hands of the court, since court took unreasonable measures and an excruciating amount of time to approve a simple 1915A when plaintiff prove fixed

income already by documentation. Henceforth the court should take judicial notice that the status or inactivity was the court stagnation in the case, however the status is as it was when documents as stated above was submitted in a timely and comprehensive manner, in accordance with legal codes and statutes. Furthermore this case merits acknowledgement under constitutional, and Federal mandates, and all evidence submitted, including the verification motion of summary judgment, for the pre-liminary injunction holds in validity as does the merit of this case, and must be included. I Lewis Deans who under IDEA still maintains eligibility and , will request compensatory educational services, removal of illegal grades and a jury trial concerning ADA, CIVIL RIGHTS VIOLATIONS, AND DISCRIMINATION BASED ON DISABILITY AND RACE. Plaintiff is willing to update all documents after summon is served on defendants. Since the lack of proceeding with the case was due to District Court 20 to 25 weeks time-lapse to approve Informa Pauparis or 1915(a). and to transfer the case. And to respond to request to be represented by council.

A. Nature of case

1. Currently seeking counsel through the department of justice if counsel cannot be determined will proceed as pro se litigant

2. Basis for Federal Jurisdiction

Under title 42 chapter II Sec 2000 a6- jurisdiction exhaustion of other remedies; assertion of rights based on other federal or state laws and pursuit of remedies for enforcement. Sec 2000a-1 Prohibition against deprivation of interference and punishment for exercising rights and privileges secured by 2000a1

3. Nature of Claims Asserted in complaint and any counterclaims;

MOTION THE COURT TO TAKE JUDICIAL NOTICE

Plaintiff seeks reimbursement for a continuum of services outlined in last legal agreement. Which Alaska Dept of Education, had first opportunity to provide Free and Appropriate education, but breached in contract. Plaintiff paid out of pocket to Sylvan Learning Center for remedial math, after requesting a due process for the district to provide supplemental services. The due process and the Hearing officer Andrew Lebo. However, refused to order school district to follow Federal mandates of the Stay put provision, also administrative investigations proved futility and evidential procedural breaches, which would make any Due Process Hearing, clearly futile. So Plaintiff wants reimbursement money and extension of tutoring and community integrative and other entitlement of services throughout college, as legal transition was obliterated. Which Alaska Dept. of Education is accountable for, since they chose to accept an illegal expired 504, they had been informed was subject to a civil suit in another jurisdiction. And they were sent many certified return receipt letters in reference to this, yet they still sanctioned their okay with it by continuing what the last school district did, which then was a conscience decision to attach themselves to absorb all legal responsibility.

The Plaintiff is being forced out of High School and forced to accept illegal grades

on in records that are not in accordance with Free and Appropriated Education. Plaintiff is being deprived of right to High School Diploma, and right to take High School Credits in accordance with IEP and Post-secondary Pursuits.

Plaintiff is being forced out of vocational and transitional mandates under the Individual with Disabilities Educational Act. And Plaintiff is being forced to carry illegal grades on his record that will slander him for life and deprive him of truth of his educational records, and possible scholarships and post-secondary opportunities.

And defendants are being requested to prove that the grades are in accordance with plaintiffs IEP or to remove them immediately. So that Plaintiff can have equal access to legitimate grades as any other qualified student without a disability.

Plaintiff should not be forced to take a G.E.D. since he did not drop out, but the Alaska School district forced him out by violating IDEA Federal Mandates of implementing IEP. Plaintiff further asserts that there is no mandate under IDEA which mandates Districts to follow illegal practices of other Districts that would violate rights to free and appropriate education, and right to legitimate grades. And that each District is mandated to follow Federal Law, not another state illegal practices, when clarity of eligibility is available. In which Anchorage School District and Alaska State Dept. of ed.

Initially acknowledge the IDEA eligibility, yet attempted to coerce plaintiff into terminating his rights under IDEA in order to access education. Plaintiff feel school District and State are attempting to deny plaintiff educational rights until, plaintiff ages out in 2 to 4 years. Plaintiff still has 20, 21, 22, and further because he is on the Autistic spectrum as well as being deprived of transitional services as mandated by IDEA.

A motion of verified summary judgment was submitted as evidence as well as exhibits

To support the motion of summary judgment for an injunction based on stay put provision under IDEA 14 15(e Supreme court case law ADA, Civil Rights, NCLB, FEOG

Nature of claims

Violation of ADA Sec. 2 ,Civil Rights, IDEA Rights, Constitutional rights (4th,5th amendment rights & 13th & 14th Amendments) Olmstead, DISCRIMINATION.

4. Name of party that has not been served.....

I motion the court to take Judicial Notice

**The court has not given verification of served summons to plaintiff Lewis deans
No party was served to my understanding since the case was filed under infroma pauperais 1915a,**

Which held up, and stagnated the case beyond any reasonable stagnation OF any waiver forms. Which then delayed the court of its duty of directing marshalls to serve summons. More than 16 weeks in correcting a waiver form, when letters from social security of income verification was submitted, is tantamount to an abortion of due process when seeking an injunction dealing with the constitutional rights to equal education, and the right of non-discrimination. When considering people get injunctions to get their children back on baseball teams in school IN 2 DAYS. And here we have a special needs child under IDEA denied constitutional rights by delayed justice and abortion due process. In which was stated early in the case, that the priorities seem to be directed at plaintiff having to prove he had a right to due process, thus a recusal was requested. Since this was something that should not have to be proven to a Federal Court of Law. Thus then court issued forms to plaintiff for a voluntary dismissal, as if the case was filed because plaintiff had time to folly while his IEP educational property was held hostage and he was being deprived of equal protections under the state regarding constitutional and 4th and 5th amendment rights, which are connected to liberty and something as vital as education.

5. Principal Legal Issues

Non implementation of IEP

Futile Due Process and Breach in procedural safeguards

Violation of federal laws concerning implementation of Iep when moving From another state

Proposed and outdated illegal 504

Using coercive methods to attempt to gain approval of outdate illegal 504

Violations of parent & Lewis Deans rights participate in educational decisions concerning fape, status and eligibility

Refusal to accept two current within year Neurosych evaluations Two.

6.Principal Factual Issues

Exhibits were submitted to support legal factual issues claims and can be re-submitted dif necessary

B. Discovery

1. Brief description of completed discovery and any remaining discovery

I MOTION THE COURT TO TAKE JUDICIAL NOTICE

Discovery as on all civil cases depends on proper procedural of summons served prior than prosecution of civil case in which items and exhibits to support verified motion of summary judgment were submitted timely. For pre-liminary injunction

and prevailing Supreme Court Laws to be upheld in a timely manner. Instead of plaintiff being penalized by civil courts further for poverty, when attempting to protect constitutional and equal Access to education protections and from Discrimination in Education.

2. Brief description of any pending motions and anticipating motions

Motion to amend complaint to add more defendants

Motion to include all related legislation including Olmstead under ADA section 2

Motion to include protections of all constitutional rights afforded to pro= se litigants

Motions of judicial notices of futility of due process and exhibits submitted

Motions of judicial notices of plaintiff being deprived of proper due process

Motions of all Federal violations relating to ada and equal protections

Motions of submissions of discovery,

Motion to take judicial notice that as case is prosecuted other motions will be filed as necessary based on needs of case to move forward.

3. There is no entered ruling on substantive issues on this case , this case I.

4. There are no previous filed status reports

C. TRIAL

1. The time the trial takes depends on defendants and how long they may take to return inquiries, depositions, admissions, and other discovery material . Also it depends on whether this case is seen to have a public interest by enforcement agencies.

D. SETTLEMENT

1. There is no discussions of settlement , and no parties have requested a settlement conference.

A handwritten signature in black ink, appearing to read "Kevin D. Long". The signature is written in a cursive, flowing style with a large initial "K" and "D".